

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

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Complaint of Global NAPs, Inc. Against  
Verizon for Denial of Issuance of  
Collocation Access Cards  
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**D.T.E. 03-29**

**VERIZON MASSACHUSETTS'  
FIRST SET OF INFORMATION REQUESTS TO  
GLOBAL NAPs, INC.**

Verizon Massachusetts (“Verizon MA”), requests that **Global NAPs, Inc.** (“GNAPs” or “Respondent”) respond to the following information requests addressed to it or its witnesses. In the event responses to all or part of these requests will not be forthcoming in the time period established for this proceeding by the Department of Telecommunications and Energy (“Department”), kindly notify Verizon MA as soon as possible.

These requests shall be deemed continuing so as to require further and supplemental responses if GNAPs or its witnesses receive or generate additional information within the scope of these requests between the time of the original responses and the end of hearings in this proceeding.

All responses should conform to the specifications as given in the Definitions and Instructions, with respect to dates, documents, claims or privileges, etc.

If GNAPs feels that any request is ambiguous, please notify Verizon MA so that the request may be clarified prior to the preparation of a written response.

**DEFINITION AND INSTRUCTIONS**

1. With respect to each question, please state: (1) the name(s) and title(s) of the person or persons responsible for preparing the response; (2) the name(s) and title(s) of the person or persons who would be competent to testify concerning the response, whether or not that person will be called as part of the party’s direct case in this proceeding.

2. In these Information Requests, “GNAPs” means GNAPs and its respective parents, subsidiaries, affiliates, agents, servants, attorneys, investigators, employees, ex-

employees, consultants, representatives and others who are in possession of, or who may have obtained information for or on behalf of any of the above mentioned persons or entities.

3. “Verizon” means Verizon Massachusetts, unless otherwise stated.

4. The terms “document” and “documentation” are used in the broadest sense to mean all writings and records of every type, including without limitation, written, printed, typed or visually reproduced material of any kind, the original and all copies of any and all letters, reports, memoranda, files, communications, correspondence, agreements, bills, receipts, studies, analyses, telegrams, telexes, minutes, bulletins, instructions, literature, memoranda of conversations, notes, notebooks, diaries, data sheets, financial statements, work sheets, workpapers, pamphlets, plans, specifications, summaries, recordings, tapes, drawings, graphs, indexes, charts, telephone records, photographs, photographic records, computer files, whether or not such files are presently in a hard copy form, other data compilation, or any other written recorded, transcribed, punched, taped, filed or other graphic matter including any draft of the foregoing items and any copy or reproduction of any of the foregoing items upon which any notation, work figure, or form is recorded or has been made which does not appear on the original or as to whose existence, either past or present, the responding party has any knowledge of information. “Document” and “documentation” shall also mean copies of documents, notwithstanding that the originals thereof are not in the Respondent’s possession, custody or control, and all attachments to any document.

5. In the event that documents containing the exact information requested do not exist, but documents do exist that contain portions thereof or which contain substantially similar information, then the definition of “documents” which are to be identified shall include the documents that do exist.

6. If GNAPs cannot answer a request in full, please answer to the extent possible and state why the request cannot be fully answered.

7. If GNAPs refuses to respond to any request by reason of a claim of privilege, please state the privilege claimed and the facts relied upon to support the claim of privilege.

8. Please serve a copy of the responses to these requests on Verizon MA’s attorney, Barbara Anne Sousa, 185 Franklin Street, Room 1301, Boston, Massachusetts 02110-1585, and Verizon’s Legal Specialist, Barbara Landry, 125 High Street, 11<sup>th</sup> Floor, Boston, Massachusetts 02110. Please make every effort to expedite delivery of responses to these requests, including email, shipping by Express Mail, UPS, Federal Express, Purolator Courier, or means of equal or greater speed.

## **INFORMATION REQUESTS**

- 1-1 In its Complaint, ¶ 1, GNAPs states that Verizon failed “to issue collocation access/identifications cards to GNAPs employees.” Please provide the name of each GNAPs employee who applied for a Collocation Access Card and Photo ID from Verizon MA from August 1, 2002 to date. Please provide the following information for each named applicant:
- (a) whether all the information required by Verizon MA since August 1, 2002 was provided by each GNAPs employee on his/her application;
  - (b) whether the GNAPs employee was a new hire (applicant) or was seeking to renew his/her credentials;
  - (c) for those GNAPs employee who applied for renewal, please provide the expiration date of each employees’ previous valid Verizon access card and photo ID;
  - (d) for each GNAPs employee application since August 1, 2002, please provide the date submitted to Verizon and indicate the status of those applications, *i.e.*, approved, rejected or pending. If rejected, please state the reasons for rejection (*e.g.*, failure to provide social security number, address, place of birth, criminal background check, drug testing certification, etc.);
  - (e) for those applications that were rejected, please identify whether they were resubmitted with additional information required by Verizon (*e.g.*, social security number, address, place of birth, criminal background check, drug testing certification, etc.) and indicate the status of those resubmitted applications , *i.e.*, approved, rejected or pending.
- 1-2 Please provide any and all documents relating to GNAPS’ Reply to VZ MA 1-1. This should include, but not be limited to, copies of all new and renewal applications provided by GNAPs employees from August 1, 2002 to date and all resubmitted applications, where required.
- 1-3 In its Complaint, ¶ 7, GNAPs states that “Global’s employees’ existing identification badges are beginning to expire.” Please identify those employees to which GNAPs refers. Provide their name, job description, date of expiration of their Verizon access card and identification badge, the date for submitting their renewal application, and any action taken by Verizon on those renewal applications.
- 1-4 In its Complaint, ¶ 9, GNAPs states that “Verizon has been denying access to Global employees with expired badges.” Please identify each instance when a

GNAPs employee with expired credentials has attempted to gain access to Verizon's collocated facilities in Massachusetts. This should include, but is not limited to, the following: the name of the GNAPs employee; the date, time and location where each GNAPs employee was denied access; the reason(s) stated for denial; the expiration date of the GNAPs employee's Verizon credentials; whether that particular employee was alone or accompanied by someone else, and if accompanied by another, please provide the name of the person, their position and employer, and whether they possessed valid Verizon credentials.

- 1-5 In its Complaint, ¶ 12, GNAPs states that "requiring Global and other CLECs to undergo burdensome and intrusive procedures under the guise of security will have an anti-competitive effect on CLECs in Massachusetts." Please fully explain this statement and provide any and all supporting documentation for GNAPs' conclusion.
- 1-6 Please provide copies of any and all written practices and procedures or other guidelines or materials relating to GNAPs' employment policies in Massachusetts or other jurisdictions where GNAPs operates. This should include, but not be limited to, any and all policies regarding drug use, illegal or criminal conduct, etc.
- 1-7 Please provide copies of any and all written practices and procedures or other guidelines or materials relating to GNAPs' policies regarding conduct by GNAPs' employees when entering or accessing collocation facilities or premises in Massachusetts or other jurisdictions where GNAPs operates.
- 1-8 Please provide copies of any and all written practices and procedures or other guidelines or materials relating to GNAPs' current code of business conduct in Massachusetts or other jurisdictions where GNAPs operates.
- 1-9 Please provide copies of all employment applications used by GNAPs in Massachusetts or other jurisdictions where GNAPs operates.
- 1-10 Regarding GNAPs' Reply to DTE-GN-6, does GNAPs require that its employees provide their social security numbers as a condition of employment in Massachusetts or other jurisdictions where GNAPs operates? If yes, please list all such jurisdictions. If no, please explain.
- 1-11 Referring to GNAPs Replies to GN-DTE-1 and 4, please indicate under what, if any, circumstances GNAPs conducts criminal background checks or drug testing of its new or current employees in Massachusetts or other jurisdictions where GNAPs operates. Also, please state whether and under what conditions GNAPs has conducted such tests or background checks of any employee (past or present) in Massachusetts or elsewhere.

- 1-12 Please provide all documents in GNAPs' possession that identify the costs to GNAPs of complying with Verizon's requirements for criminal background checks and drug testing for GNAPs' employees.
- 1-13 Please indicate whether GNAPs reports to Verizon the occurrence of any lost and/or stolen identification badges, card access or keys issued to GNAPs employees by Verizon. Please describe any procedures in place for obtaining replacements; if no replacements are made please state why not and describe how and whether the GNAPs employee gains access to Verizon's property (*i.e.*, whether the employee is accompanied by another individual with valid Verizon credentials or signs in as a visitor, etc.). Please also provide a list of employees who have had to obtain replacements since August 1, 2002, as well as the dates that photo ID badges, access cards and/or keys were reported as lost, the dates they were replaced, and how the employee accessed Verizon's property in the interim.
- 1-14 Please fully explain why, as indicated in ¶ 13 of its Complaint, GNAPs contends Verizon's application requirements "constitute an impermissible barrier to entry." If GNAPs claims that the costs GNAPs would incur to comply with Verizon's collocation security requirements are a factor in barring or limiting GNAPs entry, please provide the following information for the past three years:
1. Annual reports filed with the Massachusetts Department of Telecommunications and Energy;
  2. Headcount EOY;
  3. IRS Form 941 by quarter;
  4. Audited Financial Statements including Balance Sheet and Income Statements;
  5. Corporate Tax Returns in the absence of Audited Financial Statements;
  6. Detailed Selling General & Administrative Statements/Schedules that support Audited Financial Statements or Corporate Tax Returns to include the following expenditures whether capitalized or expensed (regardless of where recorded):
    - Total Administrative:
    - Total Human Resources
    - Total Recruiting
    - Total Application Processing and Employee Testing
    - Total Employee Training